

**ATTACHMENT C-AFFIDAVIT**

**INTRODUCTION**

1. I, Stephen Feuerstein, being duly sworn, depose and state that I am a Detective with the Billings Police Department assigned to the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) assigned to the Billings, Montana Field Office as a Federally Deputized Task Force Officer. I have been so employed since January of 2008. During the past 27 years, I have worked as a patrol officer, K-9 handler, Detective and ATF Task Force Officer (TFO). During the past 27 years I have investigated nearly all crimes that can be committed. During the past 11 years I have worked specifically on drug and firearms investigations and have participated in dozens of drug and firearms investigations to include arrests and searches. I am familiar with the facts and circumstances set forth herein as a result of my personal participation in this investigation as well as my review of official reports and records and conversations with other law enforcement officers as more fully described below.

2. My duties and responsibilities as a TFO with ATF include participating in the investigation and prosecution of persons who violate federal firearms laws. As a result of my training and experience, I am familiar with the federal firearms and narcotics laws. I know that in accordance with 18 U.S.C. § 922(g)(1), it is unlawful for an individual who has been convicted of a crime

punishable by a term exceeding one year to possess firearms or ammunition. I know that in accordance with 18 U.S.C. § 922(g)(2), it is unlawful for an individual who is a fugitive from justice to possess firearms or ammunition. I know that in accordance with 18 U.S.C. § 922(g)(7), it is unlawful for any person who, having been a citizen of the United States and renounced that citizenship, to possess firearms or ammunition.

3. I know from my training and experiences as an ATF TFO, and particularly from my participation in the execution of search warrants authorizing the seizure of firearms, that those who own and possess firearms and ammunition generally maintain them on their person, in their residence and motor vehicles, and in places where they store their personal property. Owners of firearms generally maintain and preserve them over a long period of time because firearms are somewhat expensive, there are at times administrative delays in buying them, and firearms do not easily deteriorate. In my experience, firearms are not depleted through use, nor are they exchanged soon after being obtained. Firearms are like expensive tools that their owners keep and maintain over long periods of time. Owners of firearms generally keep firearms and ammunition in and about their home or vehicles because it permits easy access in order to maintain them and provides an environment where the firearms will be secure from theft and safe from corrosion.

4. I know through my experience that in the immediate area where individuals store their firearms and ammunition, there will be evidence of the individual's exercise of dominion and control over the firearm and/or ammunition. For example, if a firearm and/or ammunition are stored in a particular dresser drawer, the drawer also routinely contains items such as documents, cards, letters, photographs, and physical objects such as articles of clothing that identify the specific individual or individuals that exercise dominion and control over the particular area.

#### **PROBABLE CAUSE**

5. On June 27, 2001, ATF assisted law enforcement in McGregor, Minnesota, in an investigation of Michael STRAIN for firearms violations. A state search warrant was executed on STRAIN's residence and several firearms and thousands of rounds of ammunition were seized. STRAIN was convicted in Minnesota state court for possession of a short-barreled shotgun/machine gun on February 9, 2004. STRAIN was sentenced to more than one year in prison under the laws of the state of Minnesota for this conviction.

6. On July 29, 2011, ATF agents executed a search warrant in Elma, Iowa, subsequent to an investigation of STRAIN and his brother David Strain for firearms related offenses. STRAIN was interviewed by ATF, and STRAIN bragged about previously having \$500,000 worth of firearms and a million rounds

of ammunition that were seized by law enforcement in Minnesota. A search warrant was executed on STRAIN's residence and several firearms and thousands of rounds of ammunition were seized. An indictment was filed, on October 19, 2011, in the U.S. District Court for the Northern District of Iowa, and a federal warrant was issued for Michael STRAIN's arrest for being a felon in possession of a firearm.

7. Between the dates of June 26, 2019 and July 3, 2019, law enforcement received information from a Source of Information (SOI) about STRAIN and his behavior, which included claims by STRAIN that he is a Sovereign Citizen and was residing in the Garryowen, Montana, area on a ranch. Subsequent to receiving the information, deputies with the United States Marshals Service learned that STRAIN had been a federal fugitive, since 2011, based upon the indictment pending in the Northern District of Iowa. The SOI also provided information that STRAIN had taken a .22 caliber handgun to a gunsmith in Billings, Montana, for repair at some point within the last two months. Law enforcement was unable to identify the gunsmith business for records related to the repair.

8. On July 3, 2019, Michael STRAIN was arrested at the ranch southeast of Garryowen, Montana, with the address of 3569 Reno Creek Road, Crow Agency, Montana, by deputies with the United States Marshals on the federal warrant for felon in possession of a firearm pending in the Northern District of

Iowa. The deputies identified the residence of STRAIN during the investigation as 3569 Reno Creek Road, Crow Agency, Montana. The deputies spoke with the ranch owner and from the information provided by the ranch owner they were able to identify the residence on the ranch that STRAIN had been residing in for multiple years. (Exhibit 1-ATF Most Wanted and United States District Court Arrest Warrant).

9. On July 3, 2019, ATF Special Agent (SA) Joseph Korth spoke with Cameron Reimer, the ranch owner, by telephone. Reimer advised that STRAIN has been living in a separate residence on a property in Crow Agency, Montana for many years, does not pay rent or work on the ranch, and was basically squatting on the property. Reimer advised that he has seen STRAIN in possession of several firearms and STRAIN often has one on his hip. Reimer stated the last time he saw STRAIN with a firearm on his person was within the last two months, and he saw firearms in STRAIN's possession within the last month.

10. On July 4, 2019, SA Joseph Korth (ATF), traveled to the ranch located at 3569 Reno Creek Road, Crow Agency, Montana, and spoke with Daniel Reimer, son of Cameron Reimer. Daniel Reimer identified for SA Korth the residence and steel Quonset style building that STRAIN lived in and used for storage. Daniel Reimer also provided SA Korth with the keys to three vehicles that STRAIN uses and had access/control of while on the ranch. SA Korth identified a

1995 Ford F150, White, MT License 3-78200B, a Chevrolet, 1500 flatbed truck, blue in color, no license plate, and a GMC, Sierra, Blue, no license plate, as three vehicles that STRAIN used and had access to while living and working on the ranch.

11. On July 5, 2019, ATF Task Force Officer (TFO) Stephen Feuerstein reviewed the criminal history for Michael Duane STRAIN and noted multiple felony arrests and convictions as well as the pending federal arrest warrant for STRAIN from the Northern District of Iowa for a violation of 18 U.S.C.

§ 922(g)(1), which prohibits felons from possessing firearms and ammunition.

TFO Feuerstein noted that STRAIN was arrested, on October 27, 2003, in Aitkin County, Minnesota, for possession of a short-barreled shotgun/machine gun, and convicted on February 9, 2004. STRAIN was sentenced to more than one year in prison under the laws of the state of Minnesota for this crime and conviction.

Upon reviewing the laws of the state of Minnesota, as a result of this 2004 Minnesota conviction, STRAIN would have received notice that he is banned for his lifetime from possessing firearms and ammunition. STRAIN is also banned from possessing firearms and ammunition based upon the pending indictment from 2011 out of the Northern District of Iowa.

12. During the investigation by local agencies, the United States Marshals Service, and ATF, located Michael Duane STRAIN's notice of declaration of

Sovern Citizenship. STRAIN's notice of "Sovereignty" clearly advised that he believes he is not subject to the laws of the United States of America and he renounces his United States citizenship. When STRAIN was arrested by the Marshal's Service, on July 3, 2019, STRAIN advised that the deputies that they had no jurisdiction over him. (Exhibit 2- STRAIN Sovrn Citizen Papers)

### CONCLUSION

Based upon the information above, I believe that probable cause exists for the search of the described residence rented/leased by Michael Duane STRAIN, and that the residence contains evidence of the unlawful possession of firearms and ammunition under 18 U.S.C. § 922(g)(1), 18 U.S.C. § 922(g)(2) and 18 U.S.C. § 922(g)(7).

DATED this 5<sup>th</sup> day of July, 2019.

  
STEPHEN FEUERSTEIN  
Task Force Officer, ATF

Subscribed and sworn to before me on the 5, July, 2019.

  
TIMOTHY J. CAVAN  
UNITED STATES MAGISTRATE JUDGE